

Amendment and Response

Applicant: Donald J. Palmer et al.

Serial No.: 09/819,230

Filed: March 28, 2001

Docket No.: 10003979-1 (H302.130.101)

Title: INFORMATION PAGE SYSTEM AND METHOD

REMARKS

The following remarks are made in response to the Office Action mailed August 12, 2004. Claims 10 and 23 have been cancelled. Claims 1-26 were rejected. With this Response, claims 1-7, 9, 11-16, 18, 24, and 26 have been amended. New Claims 27-31 have been added. With this response, claims 1-9, 11-22, and 24-31 are pending in the application and are presented for consideration and allowance.

Claim Rejections under 35 U.S.C. § 112

In the Office Action, claims 1-15 were rejected under 35 U.S.C. § 112, second paragraph, as being indefinite.

Applicant's amended independent claim 1 specifies "receiving a request at the information station from the consumer for information from the information station". Applicant believes that this change alleviates the concerns regarding indefiniteness, and thanks the Examiner for careful attention to the claims.

With the Amendment, Applicant believes that the rejection to claim 1 has been overcome and respectfully requests withdrawal of the Section 112 rejection. Claims 2-15 are also believed to overcome the rejection based on their dependency from amended independent claim 1.

Claim Rejections under 35 U.S.C. § 102

In the Office Action, claims 1-26 were rejected under 35 U.S.C. § 102(b) as being anticipated by DeLorme et al (herein DeLorme).

Applicant's amended independent claim 1 specifies a method of providing information to a consumer from an information station. The method comprises receiving a first request at the information station from a first unique consumer for a first information from the information station, and retrieving the first information and a first incentive related to the first information from an information database system including selecting the first information and the first incentive via user-preference criteria of the first unique consumer from a customer parameters database of the information database system. The method also comprises printing the first information and the first incentive on an information page for the first unique consumer at the information station, and submitting to the information database

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system, via a retailer, data identifying the first information and the first incentive after use of the incentive by the first unique consumer at the retailer and using the data to update the user-preference criteria for the first unique consumer in the customer parameter database, and selecting a second information and a second incentive, based upon the updated user-preference criteria in the customer parameter database, for the first unique consumer upon a second request for the second information by the first unique consumer.

In contrast, DeLorme discloses tracking participation and obligations of retail users and third-party providers of TRIPS travel information services (Col. 37, line 42), and tracks and accounts for diverse transactions among various parties including TRIPS users, providers, operators and/or intermediaries. (Column 64, lines 11-14). However, when considering data regarding the user preferences of a unique consumer as in Applicant's claimed invention, several passages within DeLorme apparently reveal that statistics on users interest in locations, services, topics or events is measured in terms of user "hits" or frequency of consumer visits or information requests. See Column 64, lines 27-31 and lines 60-65. Accordingly, this gathered information apparently tracks user "hits" in general patterns or groups, and does not track user preferences specific to a unique consumer, as in Applicant's claimed invention based on submitting, via a retailer, data regarding use of a first incentive. Moreover, these "hits" identified in DeLorme apparently are not data that is updated within a user-preference criteria of a first unique consumer (e.g., a specific user) in a customer parameters database, as in Applicant's claimed invention.

In addition, in DeLorme, a "TRIPS output" is shown in Figure 1B. None of the examples of "information" in the passage of De Lorme (Column 21, lines 7-48) cited in the Office Action (such as reservations, coupons, codes, etc) are disclosed as providing data regarding use of a first incentive by a first unique consumer that is used in selecting a second incentive for the first unique consumer, after use of the first incentive at a retailer by the first unique consumer and reporting of the first incentive via the retailer to the information database system, as claimed by Applicant.

Accordingly, DeLorme fails to disclose submission of a first incentive for a first unique consumer into database system, after use of the first incentive at a retailer, for updating a user-preference criteria (of a customer parameters database) for the first unique consumer to influence subsequent information and incentives provided to the first unique

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consumer, such as selection a second information and a second incentive based upon the updated user-preference criteria, upon a second request for information by the first unique consumer.

Accordingly, DeLorme fails to teach or suggest Applicant's independent claim 1, and therefore Applicant's amended independent claim 1 is patentable and allowable over DeLorme. Claims 2-9 and 11-15 are believed to be allowable based on their dependency from patentably distinct independent claim 1.

Applicant's amended independent claim 16 specifies an information system comprising an information station, an information database system, and a first information page. The first information page is printed by the information station upon a first request from a user and includes a first information provided from the information database system and a first feedback mechanism for submitting data representative of use of the first information page back to the information database system. The first feedback mechanism identifies customer preference criteria of the user to modify the information database system for providing a second information page, based on the customer preference criteria, in response to a second request for information from the user.

In contrast, for substantially the same reasons presented for patentability of claim 1, DeLorme fails to disclose Applicant's amended independent claim 16. In particular, DeLorme fails to disclose an information system comprising, among other things, a first feedback mechanism (of a first information page) for submitting data representative of use of the first information page back to the information database system, wherein the first feedback mechanism identifies customer preference criteria of the user to modify the information database system for providing a second information page, based on the customer preference criteria, in response to a second request for information from the user, as claimed by Applicant. Instead, as previously explained, DeLorme apparently is limited to tracking user activities in general, but not identifying customer preference criteria of a user, via a feedback mechanism of an information page provided by the information station to the user, to modify the information database system, as claimed by Applicant.

Accordingly, DeLorme fails to teach or suggest Applicant's independent claim 16, and therefore Applicant's amended independent claim 16 is patentable and allowable over

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DeLorme. Claims 17-22 are believed to be allowable based on their dependency from patentably distinct independent claim 16.

Applicant's amended independent claim 24 specifies a method of marketing using an information database system. The method comprises identifying a specific consumer and providing information and incentives to the specific consumer from the information database system. Feedback is received into the information database system along a feedback pathway regarding use of the information and incentives by the specific consumer. A personality signature of the specific consumer is developed based upon iterative instances of receiving feedback via the feedback pathway into the information database system and shaping subsequent information and incentives provided to the specific consumer based upon the developing personality signature of the specific consumer.

For substantially the same reasons presented for the patentability of claim 1, DeLorme fails to disclose Applicant's amended independent claim 24. In particular, DeLorme is limited to generally tracking user hits as a whole and/or transactions in general, and does not disclose receiving feedback (regarding use of information and incentives by a specific consumer) into an information database system along a feedback pathway and developing a personality signature of the specific consumer based upon repeated instances of receiving this feedback via the feedback pathway, and then shaping subsequent information and incentives to the specific consumer based upon the developing personality signature, as claimed by Applicant.

Accordingly, DeLorme fails to teach or suggest Applicant's independent claim 24, and therefore Applicant's amended independent claim 24 is patentable and allowable over DeLorme. Claims 25 and 31 are believed to be allowable based on their dependency from patentably distinct independent claim 24.

Applicant's amended independent claim 26 specifies a computer-readable medium having computer-executable instructions for performing a method of providing information to a consumer from an information station. The method comprises receiving a first request at the information station from a first unique consumer for a first information from the information station, and retrieving the first information and a first incentive related to the first

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information from an information database system including selecting the first information and the first incentive via user-preference criteria of the first unique consumer from a customer parameters database of the information database system. The method also comprises printing the first information and the first incentive on an information page for the first unique consumer at the information station, and submitting to the information database system, via a retailer, data identifying the first information and the first incentive after use of the incentive by the first unique consumer at the retailer and using the data to update the user-preference criteria for the first unique consumer in the customer parameter database, and selecting a second information and a second incentive, based upon the updated user-preference criteria in the customer parameter database, for the first unique consumer upon a second request for the second information by the first unique consumer.

For substantially the same reasons presented for the patentability of claim 1, DeLorme fails to disclose Applicant's amended independent claim 26. Based on those reasons, DeLorme fails to disclose a method of providing information including, among other things, submission of a first incentive for a first unique consumer into database system, after use of the first incentive at a retailer, for updating a user-preference criteria (of a customer parameters database) for the first unique consumer to influence subsequent information and incentives provided to a consumer, such as selection a second information and a second incentive based upon the updated user-preference criteria, upon a second request for information by the first unique consumer, as claimed by Applicant.

Accordingly, DeLorme fails to teach or suggest Applicant's independent claim 26, and therefore Applicant's amended independent claim 26 is patentable and allowable over DeLorme. Claims 27-29 are believed to be allowable based on their dependency from patentably distinct independent claim 26.

For these reasons, Applicant respectfully requests that the above 35 U.S.C. § 102 rejections to claims 1-26 be reconsidered and withdrawn and that these claims be allowed.

New Claims

Applicant's new claims new claims 28-29 further define patentably distinct independent claim 26. New claim 30 further defines patentably distinct independent claim 1 while new claim 31 further defines patentably distinct independent claim 24. Therefore

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dependent claims 28-31 are believed to be allowable, and Applicant respectfully requests allowance of these new dependent claims.

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CONCLUSION

In view of the above, Applicant respectfully submits that pending claims 1-9, 11-22, and 24-31 are in form for allowance and are not taught or suggested by the cited references. Therefore, reconsideration and withdrawal of the rejections and allowance of claims 1-9, 11-22, and 24-31 is respectfully requested.

Applicants hereby authorize the Commissioner for Patents to charge Deposit Account No. 08-2025 the amount of \$54.00 to cover fees as set forth under 37 C.F.R. 1.16(b)(c).

The Examiner is invited to contact the Applicant's representative at the below-listed telephone numbers to facilitate prosecution of this application.

Any inquiry regarding this Amendment and Response should be directed to either James R. McDaniel at Telephone No. (208) 396-4095, Facsimile No. (208) 396-3958 or Paul S. Grunzweig at Telephone No. (612) 767-2504, Facsimile No. (612) 573-2005. In addition, all correspondence should continue to be directed to the following address:

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Respectfully submitted,

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By their attorneys,

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CERTIFICATE UNDER 37 C.F.R. 1.8: The undersigned hereby certifies that this paper or papers, as described herein, are being deposited in the United States Postal Service, as first class mail, in an envelope address to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on this 12th day of November, 2004.

By Paul S. Grunzweig
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